

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION**

WILLIAM BENJAMIN BROWN,

Petitioner,

v. 6:13-cv-38

UNITED STATES OF AMERICA,

Respondent.

ORDER

William Benjamin Brown has appealed this Court's denial of his habeas petition. ECF No. 14. The Court construes Brown's notice of appeal as a request for a Certificate of Appealability ("COA"). *See Edwards v. United States*, 114 F.3d 1083, 1084 (11th Cir. 1997).

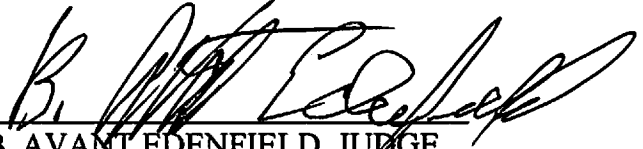
"Before an appeal may be entertained, a prisoner who was denied habeas relief in the district court must first seek and obtain a COA . . ." *Miller-El v. Cockrell*, 537 U.S. 322, 335-36 (2003); *see* 28 U.S.C. § 2253(c). The Court will issue a COA "where a petitioner has made a substantial showing of the denial of a constitutional right." *Miller-El*, 537 U.S. at 336; *see also* 28 U.S.C. § 2253(c)(2). Petitioner "must show that reasonable jurists could debate whether (or, for that matter, agree that) the petition should have been resolved in a different manner or that the issues presented were adequate to deserve encouragement to proceed further." *Id.* (internal quotations omitted).

The Magistrate Judge's Report and Recommendation properly concluded that

Brown waived his right to collaterally attack his sentence. ECF No. 8 at 3-5. The Magistrate Judge also properly concluded that Brown failed to show that he received constitutionally deficient representation in entering a plea agreement. *Id.* at 6-8. Brown raises no additional issues for appeal. *See* ECF No. 14. The Court finds no issues that reasonable jurists could debate, and therefore ***DENIES*** the request for COA.

The Court, sua sponte, also ***DENIES AS MOOT*** any motion to proceed In Forma Pauperis.

This 18 day of September 2013.


B. AVANT EDENFIELD, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA